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2 ANDERSON, MCPHARLIN & CONNERS LLP
Thirty-First Floor

3 444 South Flower Street
Los Angeles, California 90071-2901

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5 Attorneys for Defendant INDEMNITY INSURANCE
COMPANY OF NORTH AMERICA

FILED

07 MAY 23 PM 1:17

RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MDP

E-Filed

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

11 THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

12 Plaintiff,

13 vs.

14 INDEMNITY INSURANCE COMPANY OF
15 NORTH AMERICA, DOES 1 TO 20

16 Defendant.

CASE NO. 07 2721 EDL

NOTICE OF REMOVAL [28 U.S.C. §§
1332, 1441]; AND DEMAND FOR JURY
TRIAL

Trial Date:

None

18 TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
19 THE NORTHERN DISTRICT OF CALIFORNIA AND THE PLAINTIFF HEREIN:

20 Defendant INDEMNITY INSURANCE COMPANY OF NORTH AMERICA

21 ("INDEMNITY"), a Pennsylvania corporation having its principal place of business in
22 Philadelphia, by its undersigned attorneys, respectfully petitions this Court as follows:

23 I. JURISDICTIONAL STATEMENT

24 This Court has jurisdiction over the above-described action pursuant to 28 U.S.C. §§ 1332
25 and 1441 because:

26 1. Defendant INDEMNITY is informed and believes that Plaintiff, THE REGENTS
27 OF THE UNIVERSITY OF CALIFORNIA ("THE REGENTS") was, and still is, a citizen of
28 California;

ORIGINAL

2. Defendant **INDEMNITY** is incorporated in the State of Pennsylvania and has its principal place of business in Philadelphia, Pennsylvania and is thus a citizen of the State of Pennsylvania;

3. Although the Plaintiff's Complaint ("Complaint") contains a prayer for an award of monetary damages in an amount to be determined; for pre-judgment and post-judgment interest on that award; and for costs of suit incurred (see attached Exhibit "A," a true and correct copy of the Plaintiff's Complaint), it is facially apparent from the Complaint that the amount in controversy exceeds \$75,000. **INDEMNITY** bases this statement on the allegations of the Complaint wherein Plaintiff alleges that, "[t]o date, the Regents have incurred approximately \$250,000 in costs as a direct result of the damage to the construction works." (Plaintiff's Complaint, paragraph 7.) Accordingly, **INDEMNITY** asserts that the amount in controversy exceeds \$75,000 and, therefore, this Court has diversity jurisdiction in this matter pursuant to 28 U.S.C. § 1332.

II. GENERAL ALLEGATIONS

1. **INDEMNITY** was, at the time of the filing of this action, and still is, a citizen of the State of Pennsylvania, as a corporation incorporated under the laws of the State of Pennsylvania, having its principal place of business in Philadelphia;

2. **INDEMNITY** is informed and believes that Plaintiff **THE REGENTS** was, and still is, a citizen of the State of California;

3. It is facially apparent from the Complaint that the amount in controversy is in excess of the \$75,000 jurisdictional minimum of this Court;

4. The Complaint was filed in the Superior Court of the State of California in Alameda County, styled *The Regents of the University of California v. Indemnity Insurance Company of North America, and Does 1 to 20*, Case No. RG07319960, a copy of which is attached as Exhibit "A" hereto. **INDEMNITY** is not aware of any pleadings other than the Complaint;

5. The date upon which **INDEMNITY** was served with the Complaint was April 23, 2007. Attached hereto as Exhibit "B" is a true and correct copy of CT CORPORATION's Service of Process Transmittal evidencing the date of service.

1 **III. REMOVAL IS PROPER TO THIS DISTRICT**

2 Based upon the foregoing, removal is proper. **INDEMNITY** will promptly file a copy of
3 this Removal with the Clerk of the Superior Court of the State of California, Alameda County.

4 **IV. DEMAND FOR JURY TRIAL**

5 Defendant **INDEMNITY** hereby demands trial by jury in this action.

6
7 DATED: May 22 2007

ANDERSON, McPHARLIN & CONNERS LLP

8
9 By: 

10 Michael C. Phillips APC
11 Attorneys for Defendant **INDEMNITY INSURANCE**
12 COMPANY OF NORTH AMERICA
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ANDERSON, McPHARLIN & CONNERS LLP

LAWYERS
444 SOUTH FLOWER STREET, THIRTY-FIRST FLOOR
LOS ANGELES, CALIFORNIA 90071-2901
TEL (213) 688-0080 • FAX (213) 622-7594

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

Indemnity Insurance Company of North America; DOES 1 to 20

YOU ARE BEING SUED BY PLAINTIFF:

(L) ESTÁ DEMANDANDO EL DEMANDANTE):

The Regents of the University of California

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ALAMEDA COUNTY

2007 APR 10 PM 12:39

FILED BY ALPHONSINE GATES

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court in and for the County of Alameda
1225 Fallon Street
Oakland CA 94612

CASE NUMBER:
(Número del Caso):

RG07319960

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Michael P. O'Bresly, LAW OFFICE OF MICHAEL P. O'BRESLY, 1300 Clay Street, 11th Floor, Oakland CA 94612 (510) 350-8332; fax: (510) 225-2600

DATE:
(Fecha)

APR - 9 2007

Clerk, by
(Secretario)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify): Indemnity Insurance Company of North America

- under:
- | | |
|--|---|
| <input type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.60 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify): | |

- ☐ by personal delivery on (date):

EXHIBIT A

COPY

Michael P. O'Bresly SBN 165512
 LAW OFFICE OF MICHAEL P. O'BRESLY
 1300 Clay Street, 11th Floor
 Oakland, California 94612
 Tel: (510) 350-8332
 Fax: (510) 255-2600

Attorney for Plaintiff
 THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Superior Court of the State of California
 In and for the County of Alameda

THE REGENTS OF THE UNIVERSITY
 OF CALIFORNIA,

Plaintiff,

vs.

INDEMNITY INSURANCE COMPANY OF
 NORTH AMERICA, DOES 1 TO 20,
 Defendants.

) Case No.:

RG07319930

) COMPLAINT FOR DECLARATORY
) RELIEF and BREACH OF CONTRACT

) EXEMPT FROM FILING FEES
) GOV CODE SECTION 6103

Come now, The Regents of the University of California
 (hereinafter "the Regents"), and alleges the following in
 support of its Complaint against Indemnity Insurance Company of
 North America ("IICNA") and Does 1 to 20:

1. At all times material herein, the Regents was and is a
 corporation duly organized under the Constitution and laws of
 the State of California. The Regents is a political subdivision

COMPLAINT-1

1 of the State of California and therefore exempt from filing
2 fees, pursuant to California Government Code Section 6103.

3 2. At all times material herein, IICNA was and is a
4 corporation, regularly transacting the business of property and
5 liability insurance within the State of California.

6 3. At all times material herein, the parties identified
7 herein as "Does 1 to 20," and each of them, were the agents,
8 principles, representatives, successors, parents, affiliates,
9 and/or assignees of other defendants named and unnamed, and each
10 of them, and therefore responsible and liable for the acts and
11 omissions of the other defendants herein. Plaintiff is ignorant
12 of the true names and identities of the parties named herein as
13 "Does 1 to 20," and will amend this complaint, pursuant to Code
14 of Civil Procedure Section 474, when those names and identities
15 are ascertained.

16 FACTUAL ALLEGATIONS COMMON

17 TO ALL CAUSES OF ACTION

18 4. In or about July 2004, Defendants issued to Regents a
19 certificate of insurance bearing number CTF I 205 15 29 6 (the
20 "certificate") to cover risks of damage to the Regents'
21 "Contract Works" at a location known as the Southern Radial
22 Road, located on or about the campus of the University of
23 California at Irvine. The Certificate incorporated by reference
24 certain terms of a Master Builders Risk Policy of insurance
25 (hereafter, the "Policy"), issued by Defendants for purposes of

COMPLAINT-2

1 covering construction projects commencing in the period
2 September 1, 2001 to 2004. Defendants are in possession of
3 copies of these documents and know the contents thereof.

4 5. The Policy and Certificate contain a promise whereby
5 Defendants, in exchange for payment of insurance premium,
6 assumed the obligation to reimburse the Regents for physical
7 loss or damage to construction works at the Southern Radial Road
8 project, resulting from any peril or risk of loss, except as
9 excluded thereby.

10 6. The Regents paid Defendants valuable consideration for
11 the Policy, the Certificate and the promises contained therein.

12 7. Beginning in or about December 2004, during the time
13 in which the construction works known as the Southern Radial
14 Road project were underway and Defendants' insurance coverage in
15 effect, the Regents suffered damage and loss to the Southern
16 Radial Road construction works. To date, the Regents have
17 incurred approximately \$250,000 in costs as a direct result of
18 the damage to the construction works.

19 8. In or about April 2005, the Regents duly reported the
20 loss to Defendants and claimed coverage for their costs under
21 the Policy.

22 9. In or about August of 2005, Defendants denied the
23 Regents' claim. The Defendants contended, and still contend,
24 that the loss and damage resulted from a peril excluded under a
25 term of the Policy. The Regents contend that the damage and

COMPLAINT - 3

1 loss is not excluded under any terms of the Policy, and further
2 contend that Defendants are obligated to reimburse the Regents
3 for all of the costs incurred by Regents as a result of the
4 damage and loss to the construction works at the Irvine campus
5 Southern Radial Road.

6 10. Despite repeated requests, Defendants have refused to
7 reimburse the Regents for any portion of these costs.

8 11. In or about July, 2006, and again in January, 2007,
9 Defendants extended all applicable periods of limitation on the
10 time for the institution of suit to a date not earlier than the
11 date of the filing of the present complaint.

12 FIRST CAUSE OF ACTION

13 Declaratory Judgment

14 (Against All Defendants)
15

16 12. The Regents incorporate by reference the allegations
17 of the foregoing paragraphs as if fully set forth herein.

18 13. An actual, present and justiciable controversy exists
19 between the Regents and the Defendants, and each of them, in
20 that the Defendants contend and the Regents dispute that the
21 loss and damage suffered to the Southern Radial Road project as
22 a result of the rainfall is excluded under the terms of the
23 Policy. The Regents are informed and believe, and on that
24 basis allege, that the Defendants contend that all of the loss
25 and damage to the Regents' contract works resulted from a peril

COMPLAINT-4

1 excluded under the Policy, and that there is no obligation to
2 reimburse Regents for the costs of said damage. The Regents
3 disagree, and contend that the costs at issue are covered by the
4 terms of the policy and are not excluded by any clear and
5 enforceable term, provision or limitation. The Regents further
6 contend that Defendants are obligated to reimburse the Regents
7 for some or all of the costs incurred as a result of the damages
8 at the Southern Radial Road project.

9 14. A declaratory judgment is both necessary and proper at
10 this time, as the parties require the Court's determination to
11 resolve the dispute as the interpretation and application of the
12 terms of Policy and their respective rights and liabilities
13 thereunder.

14 Wherefore, the Regents pray for judgment as set forth
15 below.

16 SECOND CAUSE OF ACTION
17 BREACH OF CONTRACT
18 (Against All Defendants)

19 15. The Regents incorporate by reference all factual
20 allegations of the foregoing paragraphs, as if set forth herein
21 in full.

22 16. The Regents and Defendants entered into a contract
23 whereby Defendants agreed to reimburse the Regents for costs and
24 expenses resulting from loss to construction works at the
25 University of California Irvine campus.

1 17. The Defendants' promise obligates them to reimburse
2 the Regents for the costs at issue, incurred in connection with
3 the loss and damage at the Southern Radial Road project.

4 18. The Regents have fulfilled and/or complied with all
5 applicable conditions to Defendants' performance, which is now
6 due and owing. Defendants' performance has not been waived or
7 excused.

8 19. Defendants have wrongfully failed to perform their
9 promises under the contract of insurance.

10 20. Defendants are in material and present breach of their
11 contract with the Regents. As a direct and proximate result of
12 that breach, Regents have suffered substantial monetary damage.

13 21. The damages suffered by Regents result from a breach
14 of written contract, and Regents are therefore entitled to
15 interest at the rate of 10% per year.

16 Wherefore, the Regents pray for judgment as set forth
17 below.

18 PRAYER FOR RELIEF

19 The Regents pray for judgment against Defendants, and each
20 of them, as follows:

- 21 1. As to the first cause of action, for a declaration of
22 the rights and obligations of the parties under the
23 Policy; for costs of suit incurred herein; and for
24 other such relief as the Court may deem just and
25 proper.

2. As to the second cause of action, for an award of
monetary damages in an amount to be determined; for
pre-judgment and post-judgment interest on that award;
for costs of suit incurred herein; and for other such
relief as the Court may deem just and proper.

Respectfully Submitted,

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA

Date: April 9, 2007

By: Michael P. O'Bresly
Michael P. O'Bresly
Attorney for Plaintiff

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address). Michael P. O'Bresly, SBN 165512 LAW OFFICE OF MICHAEL P. O'BRESLY 1300 Clay Street 11th Floor Oakland CA 94612 TELEPHONE NO: 510-350-8332 FAX NO: 510-225-2600 ATTORNEY FOR (Name): Plaintiff, The Regents of the University of California		FOR COURT USE ONLY RECORDED FILED ALameda COUNTY 2007 APR 10 PM 12:41 CLERK OF SUPERIOR COURT BY ALPHONSINE DATES
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland CA 94612 BRANCH NAME: Rene Davidson Courthouse		
CASE NAME: Regents of the University v. Indemnity Insurance Company		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: PG07319900 JUDGE: DEPT:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (45) Other PIPD/WMD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIPD/WMD (23) Non-PIPD/WMD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIPD/WMD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input checked="" type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
--	---	---

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Type of remedies sought (check all that apply):
 a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): 2; contract, declaratory relief
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 9, 2007

Michael P. O'Bresly

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

Form Adopted for Mandatory Use
Judicial Council of California
CM-010, rev. January 1, 2007

CIVIL CASE COVER SHEET

American LegalNet, Inc.
www.FarmWork.comCal. Rules of Court, rules 3.220, 3.400-3.403,
Standards of Judicial Administration, § 10
www.courtinfo.ca.gov

EXHIBIT B

CT CORPORATION

A WatersKluwer Company

**Service of Process
Transmittal**

04/23/2007

Log Number 512157685

TO: Saverio Rocca, Corporate Counsel
ACE USA, Inc.
436 Walnut Street
Philadelphia, PA, 19106

RE: Process Served in California

FOR: Indemnity Insurance Company of North America (Domestic State: PA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: The Regents of the University of California, Pltf. vs. Indemnity Insurance Company of North America, et al., Dfts.

DOCUMENT(S) SERVED: Summons, Complaint, Cover Sheet

COURT/AGENCY: Alameda County, Oakland, Superior Court, CA
Case # RG07319960

NATURE OF ACTION: Insurance Litigation - Breach of Insurance coverage - Construction projects commencing in the period September 1, 2001 to 2004 at the Southern Radial Road Project

ON WHOM PROCESS WAS SERVED: C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE: By Process Server on 04/23/2007 at 15:20

APPEARANCE OR ANSWER DUE: Within 30 days after service

ATTORNEY(S) / SENDER(S): Michael P. O'Bresly
Law Office of Michael P. O'Bresly
1300 Clay Street
11th Floor
Oakland, CA, 94612
323-988-2400

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex Standard Overnight, 790231774757

SIGNED: C T Corporation System
PER: Dianne Christman
ADDRESS: 818 West Seventh Street
Los Angeles, CA, 90017
TELEPHONE: 213-337-4615

RECEIVED

APR 25 2007

ACE INCOMING LEGAL

Page 1 of 1/MS

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of the package only, not of its contents.

EXHIBIT B

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is Thirty-First Floor, 444 South Flower Street, Los Angeles, California 90071-2901.

On May 22, 2007, I served the following document(s) described as **NOTICE OF REMOVAL [28 U.S.C. §§ 1332, 1441]; AND DEMAND FOR JURY TRIAL** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Michael P. O'Bresly, Esq.
Law Offices of Michael P. O'Bresly
1300 Clay Street, 11th Floor
P.O. Box 21303
Oakland, CA 94620
Telephone: (510) 350-8332
Facsimile: (510) 225-2600

Attorney for plaintiff

BY MAIL: I am "readily familiar" with Anderson, McPharlin & Conners' practice for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on May 22, 2007, at Los Angeles, California.


Maureen Allen